



21 SEP 2006

GENENTECH, INC.
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In re Application of :
De Sauvage et al. :
Application No. 10/526,806 :
PCT No.: PCT/US03/27894 :
Int. Filing Date: 05 September 2003 : DECISION
Priority Date: 11 September 2002 :
Atty. Docket No.: P1981R1 :
For: Compositions And Methods For The :
Diagnosis And Treatment Of Tumor :

This is in response to the correspondence filed on 08 April 2006.

BACKGROUND

International application PCT/US03/27894 was filed on 05 September 2003, claimed an earliest priority date of 11 September 2002, and designated the U.S. The 30 month time period for paying the basic national fee in the United States expired at midnight on 05 March 2005. Applicants filed, *inter alia*, a basic national fee on 04 March 2005.

On 27 February 2006, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b).

DISCUSSION

Inspection of the application papers reveals that the Transmittal Letter filed on 04 March 2005 referred to international application "PCT/US2003/027849" with an international filing date of "05 September 2003," a priority date of "11 September 2002," and entitled "Compositions And Methods For The Diagnosis And Treatment Of Tumor." This information does not correspond to international application "PCT/US2003/027849," but it does appear to correspond to international application PCT/US2003/027894. Therefore, the basic national fee paid on 04 March 2005, in reference to PCT/US2003/027849, was not properly directed to this international application, PCT/US2003/027894. As such, this international application became abandoned with respect to the national stage in the United States for failure to timely pay the basic national fee as of midnight on 05 March 2005.

It is noted that the declaration filed on 08 April 2006 is also directed to international application "PCT/US2003/027849," though it claims benefit of application no. 60/410,166, whose priority is also claimed by international application PCT/US2003/027894. As such, it is not clear that the declaration executes the present application.

CONCLUSION

This international application is ABANDONED with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.

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